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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,345	07/29/2003	Joseph A. Zupanick	17601-043001	9309
26231	7590	07/03/2007		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER KRECK, JOHN J	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10630345	7/29/2003	ZUPANICK, JOSEPH A.	17601-043001

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EXAMINER

John Kreck

ART UNIT

PAPER

3673

20070529

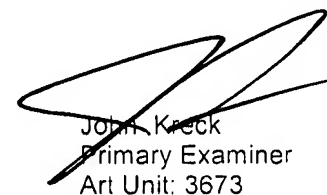
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A requirement for information is attached. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 (TWO) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Attachments: Requirement for information
PTO-892


John Kreck
Primary Examiner
Art Unit: 3673

Requirement for Information

1. U.S. Patent number 6,923,275 to Gardes issued from application serial number 10/372,522. During the prosecution of 10/372,522, Robert Gardes submitted a declaration under 37CFR1.131 (attached). In that declaration, Mr. Gardes stated that in the winter of 2000 he invented the system including "utilizing under balanced multilateral drilling" in a "coal shale formation" including the steps of "introducing nitrogen and/or air and/or water" and "pumping drilling fluid". Mr. Gardes further stated that in January 2001 he disclosed the process to the inventor and assignee of the instant application. Mr. Gardes further stated that he entered into a license agreement with CDX Gas.

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application:

- i. Applicant and assignee are required to comment on the Gardes declaration. MPEP 704.11(a)(N)

In response to this requirement, please provide the following:

- ii. Any written descriptions or analyses, prepared by any of the inventors or assignees, of services in competition with the goods or services the claimed subject matter has been embodied in. MPEP 704.11(a)(F)

Art Unit: 3673

(1) The process described in the Gardes declaration is believed to constitute a service in competition with the claimed subject matter.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information MPEP 704.11(a)(9):

iii. Is or was there a license agreement as described in the Gardes declaration?

iv. If yes to (iii): Does that license agreement represent any public use or sale of any of the process steps claimed in the instant application?

v. If yes to (iv): What is the date of such public use or sale?

Applicant and assignee are advised that a complete reply to this requirement should include responses to each of i through v above.

3. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

4. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

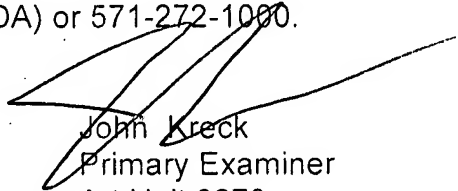
6. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is 571-272-7042. The examiner can normally be reached on Mon-Thurs 530am-2pm; Fri: telework.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Kreck
Primary Examiner
Art Unit 3673

29 May 2007